THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 36546 of 1998

DATE: 24-10-2007

Between :

P.Jayamma

… Petitioner

And

The Commissioner,
Land Revenue,
Andhra Pradesh,
Hyderabad and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 36546 of 1998

ORDER:

The petitioner herein was granted D.Form patta in the year 1987 in respect of Ac.1.24 cents of land situated in Sy.No.305/2 and Ac.1.14 cents situated in Sy.No.309/2 of Chavali Lingamma Naidupalle village, Varahaiahpalem Mandal, Chittoor District. The said assignment was cancelled by the 4th respondent-Mandal Revenue Officer on the ground that the petitioner failed to bring the land into cultivation. Challenging the same, the petitioner preferred an appeal before the Revenue Divisional Officer, however, the same was dismissed. Even the revision before the Joint Collector, Chittoor and a further revision before the Commissioner of Land Revenue, Andhra Pradesh-first respondent were dismissed. Hence, this writ petition.

Though various grounds have been raised on merits, the learned counsel for the petitioner primarily contended that since the revision petition before the 1st respondent was dismissed without giving an opportunity of hearing to the petitioner, the impugned order was violative of principles of natural justice. A perusal of the order passed by the first respondent dated 07-12-1997 itself shows that the counsel for the petitioner was not present on the date of hearing. Moreover, the 1st respondent while dismissing the revision failed to assign any reasons in support of his conclusion. In the circumstances, as rightly contended by the learned counsel for the petitioner, the impugned order being in violation of the fundamental principles of natural justice is unsustainable and liable to be set aside on that

ground alone.

Accordingly, the impugned order dated 07-12-1997 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the revision petition preferred by the petitioner and pass appropriate orders afresh in accordance with law after due notice to all the persons concerned. Till such time, status quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No costs.

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G. ROHINI, J

Date: 24-10-2007
KLP